

# The Gazette of India

## EXTRAORDINARY PART II—Section 2 PUBLISHED BY AUTHORITY

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### RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 19th December, 1960:—

BILL No. XXIX OF 1960

*A Bill further to amend the Delhi Shops and Establishments Act, 1954.*

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. This Act may be called the Delhi Shops and Establishments Short title. (Amendment) Act, 1960.

Delhi Act  
No. VII of  
1954.

2. In section 2 of the Delhi Shops and Establishments Act, 1954 (hereinafter referred to as the principal Act), for clause (18), the following clause shall be substituted, namely:—

Amendment  
of section :

‘(18) “opening hour” means the hour at which a shop or commercial establishment opens for the service of a customer;’.

3. For section 15 of the principal Act, the following section shall be substituted, namely:—

Substitution  
of new sec-  
tion for  
section 15.

“15. (1) No shop or commercial establishment shall, on any day, be opened earlier than such hour or closed later than such hour, as may be fixed by the Government by general or special order made in that behalf:

Opening or  
closing hour  
of shops and  
commercial  
establish-  
ments.

Provided that any customer who was being served or was waiting to be served in any shop or commercial establishment at the closing hour so fixed may be served during the period of fifteen minutes immediately following such hour.

(2) Before making an order under sub-section (1), the Government shall hold an inquiry in such manner as may be prescribed.

(3) The Government may, for the purposes of this section, fix different opening hours and different closing hours for different classes of shops or commercial establishments or for different areas or for different times of the year."

Amendment  
of section  
6.

4. In section 46 of the principal Act, in clause (b), for the words "the Delhi Improvement Trust, the Joint Water and Sewage Board, the Delhi State Electricity Board, the Delhi Transport Authority", the words "the Delhi Development Authority, the Delhi Water Supply and Sewage Disposal Undertaking, the Delhi Electric Supply Undertaking and the Delhi Transport Undertaking of the Municipal Corporation of Delhi," shall be substituted.

Amendment  
of section  
17.

5. In section 47 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The Government may, after previous publication, make, by notification in the Official Gazette, rules to carry out the purposes of this Act.";

(b) in sub-section (2), after clause (c), the following clause shall be inserted, namely:—

"(cc) the manner in which inquiry under sub-section (2) of section 15 shall be held;"

(c) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

## STATEMENT OF OBJECTS AND REASONS

Under section 15 of the Delhi Shops and Establishments Act, 1954, passed by the late Delhi Legislative Assembly, a shop or commercial establishment cannot be opened in the morning earlier than seven o'clock in summer or eight o'clock in winter and closed in the evening later than ten o'clock in summer or nine o'clock in winter. There has been an increasing demand for a change in these rigid timings. It is accordingly proposed to do away with this rigidity by substituting a new section for section 15 so as to confer powers on the Chief Commissioner to fix different opening and closing hours for different classes of shops or commercial establishments or for different areas or for different times of the year after holding an inquiry in the manner prescribed by rules. Opportunity has also been taken to make certain amendments of a clarificatory or consequential nature.

NEW DELHI;

G. L. NANDA.

*The 6th December, 1960.*

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to substitute a new section for section 15 of the Delhi Shops and Establishments Act, 1954, so as to confer powers on the Chief Commissioner to fix the opening and closing hours of shops and commercial establishments after enquiry in the manner prescribed by rules. Clause 5 contemplates the framing of such rules. The delegation of power is of a normal character.

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S. N. MUKERJEE,  
Secretary.